

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN DAVID MATTHEWS,

Plaintiff,

v.

CHIP THORNHILL, *et al.*,

Defendants.


Case No. C07-5376RJB

ORDER GRANTING AND
DENYING DEFENDANTS'
MOTION TO DISMISS

This matter comes before the Court on Magistrate Judge J. Kelly Arnold's Report and Recommendation (Dkt. 76) on Defendant's Motion to Dismiss Plaintiff's First Amended Complaint (Dkt. 73). The Court, having reviewed Plaintiff's complaint, the Report and Recommendation of Judge Arnold, Plaintiff's objections to the report and recommendation (Dkt. 79), Defendants' response to Plaintiff's objections (Dkt. 80), and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendants' Motion to Dismiss is **GRANTED in part** and **DENIED in part**. Defendants' motion is denied as to Plaintiff's excessive force claim against Defendants Thornhill, Nelson, Alvarado, Jurasin, and Ingram. Defendants' motion is granted as to the remainder of Plaintiff's complaint and Plaintiff's remaining claims and causes of action are dismissed; and
- (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold.

1 DATED this 24th day of June, 2008.

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3 ROBERT J. BRYAN
4 United States District Judge
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